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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,874

04/12/2004

Robert Paul Linse

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EXAMINER

SMITH, MATTHEW J

ART UNIT

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3635

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/821,874	Applicant(s) LINSE, ROBERT PAUL	
	Examiner MATT J. SMITH	Art Unit 3635	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-13 and 15-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-13 and 15-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 8, 12, 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. (5953874) in view of Madl, Jr. (4899497)

Hoffman et al. '874 disclose, in Fig. 18, a footing comprising: a first end, a second end and a longitudinal axis extending between the first and second ends; an elongated channel 20' having a longitudinal axis extending substantially parallel to and spaced from the footing longitudinal axis; the channel having a base and first and second sidewalls extending upwardly away from the base; the sidewalls extending from the base such that the first sidewall is free of being parallel with the second sidewall; a slot 22' extending within the footing, the slot having a longitudinal axis that extends at an angle to the channel longitudinal axis; the slot having a base extending in a horizontal plane occupied by the channel base; the slot extending substantially perpendicular to the channel; the footing includes first and second outer sidewalls that extend at an angle from the footing upper surface to the footing base; one footing end having a trapezoidal shaped cross section; and the slot having a base extending in a horizontal plane occupied by the channel base.

This reference does not disclose a passage extending at an acute angle with respect to the base footing and through the base to one of the sidewalls to the base for an anchoring rod.

Madl, Jr. presents, in fig. 14, a passage 124 extending at an acute angle with respect to a base footing 40 and through the base to one of the sidewalls to the base for an anchoring rod 122.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to fabricate the Hoffman footing with an angled passage, as presented by Madl, Jr., since it is well known to do so.

Claims 5, 7, 10, 11, 13, 15, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. '874 in view of Madl, Jr. and Hoffman et al. (6125597).

The combination discloses the invention substantially as claimed including an angled passage for an anchoring rod but not the footing longitudinal axis equally spaced from the footing first and second outer sidewalls, the channel longitudinal axis spaced closer to the first outer sidewall than to the second outer sidewall, the channel sized to receive a portion of a support stand base and a portion of a skirting panel, or the channel includes a base and first and second sidewalls extending upwardly away from the channel base at angles to the base such that the channel sidewalls are not parallel.

Hoffman et al. '597 show the footing longitudinal axis equally spaced from the footing first and second outer sidewalls; the channel longitudinal axis spaced closer to

the first outer sidewall than to the second outer sidewall (Fig. 5); the channel sized to receive a portion of a support stand base and a portion of a skirting panel 16; the channel includes a base and first and second sidewalls extending upwardly away from the base of the channel at angles to the base such that the sidewalls of the channel are not parallel (Fig. 8).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the Hoffman et al. '874 footing with the features of the Hoffman et al. '597 footing in order to use the '874 footing for a skirting panel.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoffman et al. '874 in view of Madl as applied to claim 1 above, and further in view of Dickinson, Jr. (7062885).

The combination discloses the invention substantially as claimed but not the slot is sized to receive a wedge.

Dickinson, Jr. depicts a providing a wedge 7 to stabilize a panel 12.

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to insert a wedge in the Hoffman et al. '874 slot in order to stabilize a structure inserted into the '874 channel.

Response to Arguments

Applicant's arguments, see page 6, filed 18 January 2008, with respect to the rejections of claims 1 and 11 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new rejection is made in view of Madl, Jr.

The examiner contends the Madl, Jr. sleeve 124 meets the angled passage limitation of claims 1 and 11.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATT J. SMITH whose telephone number is (571) 272-7034. The examiner can normally be reached on T-Th, 8-3.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard E. Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Richard E. Chilcot/
Supervisory Patent Examiner, Art
Unit 3635

MJS /M. J. S./
Examiner, Art Unit 3635
16 April 2008